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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,407	09/29/2003	Vivian Tempkins	140478	2406

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EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,407

Applicant(s)

TEMPKINS, VIVIAN

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed August 1, 2005, and the arguments presented therewith have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, the arguments are moot in view of a new ground(s) of rejection. A non-final office action follows as below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holden (4,953,603) in view of Hills (3,857,142) (see PTO-892).

Holden (4,953,603) discloses a device comprising a grasp ring (20a), an elongated member having two opposing strands (see Figs. 1 and 2) wherein one being shorter in length and the strands are releasably joined at each distal end. Holden (4,953,603) does not show the first strand having a seating channel and an arcuate surface.

However, Hills (3,857,142) teaches in figures 4 and 6 showing the first strand having a seating channel and having an arcuate surface not more than 190 degree. Accordingly, it would have been obvious to those skilled in the art to provide a seating channel and an arcuate surface on the first strand of Holden (4,953,603) as taught by Hills (3,857,142) to firmly contain the second strand. It appears that figures 1 and 2 shows the grasping ring in a relaxed state.

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Note that applicant recites the functional limitations of the device for using in the button and zipper handle, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. It appears that Holden's device (4,953,603) may be capable of being applied in the large button or zipper.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Ring Zipper Pull Snap Hook (item No. K9807) or ZIP-IT ZIPPER PULL in view of Hills (3,857,142) (see PTO-892).

Zipper Pull Snap Hook (item No. K9807), distributed by Sammons Preston Company, shows a commercially available zipper puller comprising a grasp ring (see figure), an elongated tapered member having two opposing strands wherein one strand being shorter in length.

Similarly, ZIP-IT ZIPPER PULL, distributed by Wring Stuff, and Sammons Preston Company, shows a commercially available zipper puller comprising a grasp ring (see figure), an elongated tapered member having two opposing strands.

Either Zipper Pull Snap Hook (item No. K9807) or ZIP-IT ZIPPER PULL, does not show the first strand having a seating channel and an arcuate surface.

However, Hills (3,857,142) teaches in figures 4 and 6 showing the first strand having a seating channel and having an arcuate surface not more than 190 degree. Accordingly, it would have been obvious to those skilled in the art to provide a seating channel and an arcuate surface on the first strand of either Ring Zipper Pull Snap Hook (item No. K9807)

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or ZIP-IT ZIPPER PULL, as taught by Hills (3,857,142) to firmly contain the second strand.

Note that applicant recites the functional limitations of the device for using in the button and zipper handle, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The recited references would be capable of being applied in the button and zipper.

Response to Arguments

5. Applicant's arguments with respect to claim 11 has been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Paul T. Chin". The signature is fluid and cursive, with the first name "Paul" being more prominent than the last name "Chin".

PAUL T. CHIN
Examiner
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